

[illegible]

STANDARD ENCUMBRANCE FEE/RY APPLICATION

FEE/RY INFORMATION

FEE/RY TYPE: ☐ FEE/RY AMOUNT: ☐ FEE/RY DATE: ☐ FEE/RY PERIOD: ☐

ENCUMBRANCE INFORMATION

ENCUMBRANCE TYPE: ☐ ENCUMBRANCE AMOUNT: ☐ ENCUMBRANCE DATE: ☐ ENCUMBRANCE PERIOD: ☐

SIGNATURES

APPLICANT SIGNATURE: _____ APPLICANT TITLE: _____ APPLICANT ORGANIZATION: _____

OFFICIAL SIGNATURE: _____ OFFICIAL TITLE: _____

DATE: JAN 1988



INTRODUCTION

This booklet provides an overview of the actual encroachment permit process. It is a guide to provide you assistance in filling out the encroachment permit application and provides you with an understanding of the encroachment permit process.

This booklet will provide you with the information as to the different locations statewide of where you can apply for an encroachment permit. It will describe the information that you will be required to submit to obtain an encroachment permit, and what your responsibilities will be as a permittee.

All additional information regarding the encroachment permit process is provided within the Department's Encroachment Permits Manual. This manual can be viewed on the Internet at the following Internet address:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

The California Streets and Highways Code, Sections 660 to 734, grant the authority to the Department to permit improvements and other activities on the States highway system rights-of-way by others.

These statutes can be viewed in all libraries and/or on the Internet at:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=shc&codebody=&hits=20>

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DEPARTMENT OF TRANSPORTATION

Encroachment Permits Branch

The California Department of Transportation (Department) is committed to the protection of the California State Highway System. Safety of the traveling public and those who perform work within the State's highway right-of-way (State of California property) is the Department's primary concern. The Department cooperates with all public agencies and private parties in promoting the safe use and operation of the State's highway system.

The use of State highways for other than normal transportation purposes **may** require written authorization from the Department, through an encroachment permit. These activities may include but are not limited to: construction of highway frontage improvements by a commercial developer or private land owner, such as sidewalk, curb and gutter, fencing, driveways, new road intersections, drainage facilities and erosion control; commercial filming; special events such as parades, sidewalk festivals, marathons and other community sponsored activities.

Entering onto State highway rights-of-way under these circumstances is defined, as an encroachment; this would require an encroachment permit.

I. WHAT IS AN ENCROACHMENT?

An encroachment is defined in the California Streets and Highways Code as:

“Any tower, pole, pole line, pipe, pipeline, fence, billboard, stand or building or any structure, object of any kind or character not particularly mentioned in this section, or special event which is in, under, or over any portion of the highway. “Special event” means any street festival, sidewalk sale, community-sponsored activity, or community-sponsored activity.”

Anyone that wants to conduct an activity within State highway right-of-way, for example: If you own or buy property adjacent to State property and want to do improvements, whether to put up a fence or install a mailbox, or have an activity that may encroach onto the State's property you may be required to obtain an encroachment permit.

II. WHAT IS AN ENCROACHMENT PERMIT?

An encroachment permit is a contract between the Department and an encroachment permit holder, (permittee), that describes the terms and conditions under which you are granted permissive authority to enter onto State right-of-way to perform the activity.

An encroachment permit grants permission to the permittee or their agent (a contractor) to perform the within the State's right-of-way, and assignment to another party is prohibited.

An encroachment permit is not a property right, such as an easement, nor does it confer a property right. It cannot be transferred with the sale of real personal property. A new property owner must apply for and obtain a new encroachment permit for any activity to be performed, as listed in the example paragraphs below.

“When a private property owner applies for an encroachment permit to build a driveway, the permit is issued for a reasonable amount of time, generally six months, to allow the property owner to construct, or have the driveway constructed by a contractor.”

“If the property owner sells the property three years later, the permit is not transferable to the new property owner. The new property owner(s) is required to apply for and obtain their own permit to either reconstruct or maintain the existing driveway.”

III. WHY IS AN ENCROACHMENT PERMIT NEEDED?

Encroachment permits are necessary for the Department to:

- Ensure that the proposed encroachment is compatible with the primary uses of the State highway system.
- Ensure the safety of the traveling public and of permittee's.
- Protect the State's investment.

IV. WHO CAN APPLY FOR AN ENCROACHMENT PERMIT?

Applicants for an encroachment permit can be individuals, corporations, utility companies, cities, counties, other governmental agencies and contractors when working as an agent for the property owner.

V. ACTIVITIES REQUIRING AN ENCROACHMENT PERMIT.

Some of the activities requiring an Encroachment Permit include:

- Advertising Displays, holiday decorations, banners, or signs.
- Frontage improvements: sidewalk, curb and gutter, mailbox, fencing, driveways, new road intersections, drainage facilities and erosion control.
- Commercial filming.
- Landscaping, planting or modifying vegetation.
- Miscellaneous activities: mowing, grading, excavations.
- Utility installations.
- Special Events: parades, sidewalk festivals, marathons and other community sponsored activities.

To view all of the identified activities requiring an encroachment permit, please view the Encroachment Permits Manual on the Internet address listed in the Introduction of this booklet.

VI. COST OF AN ENCROACHMENT PERMIT

Encroachment permit costs may include the actual time that is expended in the process of reviewing the proposed improvement or activity, processing and issuance of the permit, field work performed by the Department and the actual time that will be expended in the inspection of the proposed activity.

The hourly rate that is charged for encroachment permits is assessed on a yearly basis.

When an encroachment permit application package is submitted to the district permits office, you are required to pay a deposit/fee at that time, unless the permit is exempt from fees. This deposit/fee is only an estimate to start the permit process. Additional fees may be required prior to your permit being issued, to reimburse actual time expended in the review process and/or additional proposed time to be expended on inspection that your initial deposit/fee did not cover.

VII. THE ENCROACHMENT PERMIT APPLICATION

The encroachment permit application can be obtained online from the Internet, or at any of the twelve district permit offices statewide. Locations and phone numbers of all twelve offices are on the Permit Office Map located in the back of this booklet.

It is critical that all spaces on the application **are filled in**. If the space does not apply to you or your proposed activity, then you need to place “N/A” in that space. The more information that you provide better assists the district permit office in the review and processing of your submittal.

A. INFORMATION REQUIRED WITH SUBMITTAL – CONSTRUCTION PROJECTS

The type and scope of the proposed activity will dictate the additional information and/or plans that will be needed with your application submittal.

If your proposed activity requires you to submit your proposal to a city or county for permit, may require that additional information be submitted with your encroachment permit application submittal. Plan sets (6 folded copies) will be required, including part and/or all of the items listed below:

- ◆ Location and/or Index Map
- ◆ Site plan
- ◆ Grading plan
 - Contour grading plan
 - Profile and super-elevation plan
- ◆ Street improvement plan
 - Striping plan
 - Signal & Lighting plan
 - Traffic control plan
- ◆ Structural plan and calculations
- ◆ Drainage plan
- ◆ Utility plan
- ◆ Hydrology map and calculations
- ◆ Cross sections
- ◆ Planting and irrigation plans
- ◆ Electrical plans
- ◆ Traffic impact data
- ◆ Contingency plans – dealing with encounters of hazardous waste
- ◆ Storm Water Pollution Control plans
- ◆ Environmental documentation

B. PLAN CONTENT REQUIRED

Minimal information required in plan sets that are submitted:

- ◆ North Arrow, scale and index
- ◆ Existing pavement
 - Lane lines

- Shoulders
- Curbs & gutters
- Sidewalks
- Elevations, invert and top
- ◆ Existing utilities and proposed
 - Differentiation between existing and proposed
 - Elevations, invert and top
 - Clearances
- ◆ Distances
 - Centerline to edge of pavement
 - Centerline to proposed improvement
 - Property lines
 - State R/W lines
- ◆ Length and size of proposed conduits, pipes or improvement
- ◆ Landscaping
 - Differentiation between existing and proposed
- ◆ Cross sections and profiles of trenches, roadway or other improvements
- ◆ Identification of existing landscaping and irrigation facilities
- ◆ Notes
 - General notes
 - Construction notes
 - Material notes
 - Types
 - Quantities
 - Locations
 - Details

VIII. ENCROACHMENTS ON FREEWAYS AND EXPRESSWAYS

Proposed encroachments on controlled access rights-of-way require a different process of review and approval (Please see Chapter 3 of the Encroachment Permits Manual online at the Internet address listed in the Introduction of this booklet).

IX. PERMITTEE'S RESPONSIBILITIES

The permittee is responsible for maintaining public safety, the integrity of the highway, and protection of other permitted facilities.

The permittee is also responsible for reading and understanding all permit conditions, special provisions and general provisions. Any three (3) violations of permit conditions or provisions within the time of the permit will constitute revocation of your permit.

The permittee is responsible for the filing of the "Notice of Intent and Notice of Completion" with the Regional Water Quality Control Board (RWQCB).

Compliance with the Department's NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work.

DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. And, shall also be in compliance with all other applicable Federal, State and Local laws, regulations and with the Department's Encroachment Permits Manual and Encroachment Permit. The Department's District Encroachment Permit branch should be contacted for guidance on the required advance lead times for review & approval of these submittals. Information on the requirements may also be reviewed on the Department's Construction Web-site at:

<http://www.dot.ca.gov/hq/construc/stormwater1.htm>

X. DEPARTMENT'S RESPONSIBILITIES

The Department is responsible for ensuring the permittee maintains public safety and the integrity of the highway system. The Department or any of its representatives may revoke or suspend a permit and order removal of the encroachment for the following reasons:

- ◆ Non-compliance with permit conditions or provisions
- ◆ Unsafe conditions created by the project
- ◆ Incompatibility with highway usage
- ◆ Conflict of interest with a proposed State project

Future highway construction or maintenance may require the removal or relocation of the encroachment entirely at the permittees expense.

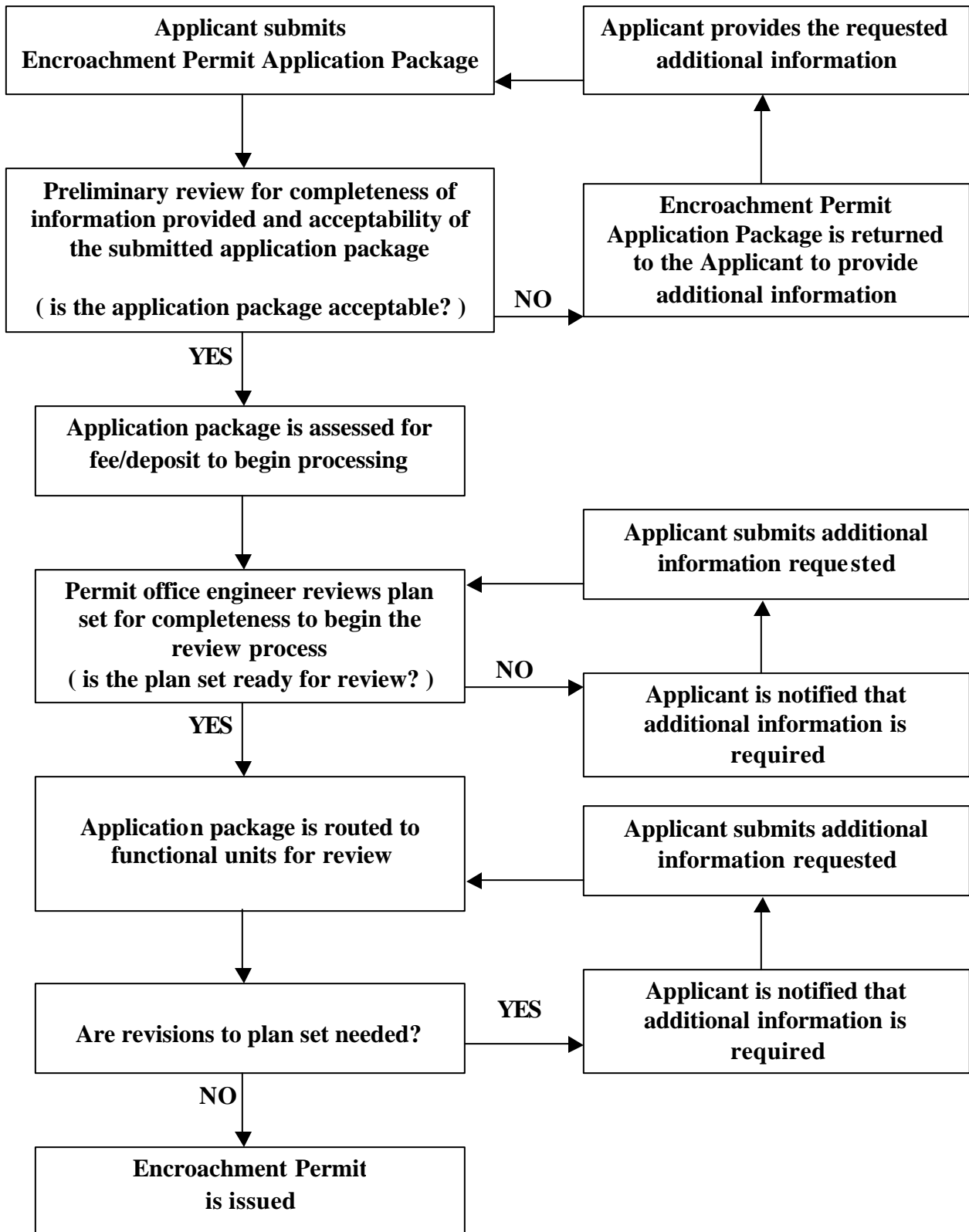
Review time and subsequent permit issuance or denial depends on the type and complexity of the proposed project, as well as the applicant's response time to application revisions. The Department processes a correct, accurate, and fully completed encroachment permit application within sixty days after it has been received. Incomplete applications are returned resulting in a new sixty-day review period. Submitting applications well in advance of the proposed project or special event could avoid costly delays in permit issuance.

XI. RIGHTS OF APPEAL ON A PERMIT DENIAL

The Department has an appeal process in the event an applicant chooses to contest the denial of an encroachment permit. There are two levels to the appeal process, district level and headquarters level.

- A. First level of appeal - The appellant shall submit in writing, within sixty days of the denial letter, substantiation as to why the permit should be approved to the District Director. Should the District Director uphold the decision of the District Permit Engineer, then the appellant will be notified in writing as to his/her rights of appeal to the Director of the Department of Transportation.
- B. Second level of appeal - The appellant shall submit in writing, within sixty days of the denial letter, substantiation as to why the permit should be approved, along with a check in the amount of \$500.00, the appellants portion of cost of the appeal process, to the Director of the Department of Transportation.

ENCROACHMENT PERMIT APPLICATION APPROVAL PROCESS



INSTRUCTIONS FOR COMPLETING THE STANDARD ENCROACHMENT PERMIT APPLICATION

Please complete items 1 through 30. Insert "N/A" in the boxes, if it does not apply to your project. Submit all of the required attachments with the application (described in Section VII, A & B).

All dimensions shall be in US Customary (English) Units .

- 1 – 5:** County, highway route number, highway postmile (location of work), address of work site (if the property does not have an address, enter street or road name), and city.
- 6:** Distance and the direction from the nearest cross street to the work site (e.g., 500 ft north of C Street).
- 7:** Portion of State right-of-way where work will occur (pavement, shoulder, back of curb, slope, ditch, etc.)
- 8:** Indicate whether a contractor or your own work forces will perform the work.
- 9 – 10:** Estimated start and completion dates for the permit work.
- 11:** Maximum depth, average depth, average width and length. Describe the existing highway surface type (concrete, asphalt, gravel, dirt, etc.) of the excavation area.
- 12:** Estimated cost for all work to be done within State right-of-way.
- 13:** Type of pipe or conduit material to be used and product (water, gas, etc.), the diameter, and voltage of electrical current or pressure of liquid or gas.
- 14:** E.A. number if this is a State project, capital project, or joint venture project.
- 15:** Indicate if you are applying for a "Double Permit" and list the "Parent Permit Number". Your company's reference number or utility work order number for this project.
- 16:** Has another Caltrans branch seen or reviewed your plans? Who?
- 17:** Describe the proposed work to be done entirely. If applicable, attach six (6) complete sets of FOLDED plans (folded 8-½" X 11") and any applicable specifications, calculations, maps, etc.
- 18:** Check "YES", if you are getting a permit or approval from another agency (City, County, etc.), and an environmental determination has been made. If your project is Exempt, then check the Categorically Exempt, Negative Declaration, Environmental Impact Report box if one has been prepared. Attach a copy of the approved document and a copy of the Notice of Determination.

If you check "NO", check the box of the appropriate type of work to be done, or check "other" and fill in the type of work to be done.

- 19:** A Historical Resource includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript that has historical or archeological significance, or significance in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.
- 20:** In this context a Scenic Resource includes, but is not limited to, trees that display outstanding features of form or age; unique, massive rock formations; historic buildings that are rare examples of their period, style, design, or which have special architectural features and details of importance.
- 21:** Is there any work being done on the applicant's property?
- 22:** Indicate if the propose project will require the disturbance of soil within highway right-of-way. If so, estimate the area in square feet **AND** acres.
- 23:** Indicate if the proposed project will require dewatering. If so, estimate volume in gallons per day.
- 24:** Indicate how will any storm water or ground water be disposed of from or near the limits of the proposed project.
- 25:** Name of the applicant or organization applying for the permit. List e-mail address if applicable, the address where the permit is to be mailed, phone and a fax numbers.
- 26:** Name of the authorized agent or engineer on behalf of the applicant or organization. Attach letter of authorization signed by the applicant or organization, e-mail address if applicable, address, phone and fax numbers.
- 27 - 28:** Signature shall be that of the applicant or applicant's authorized agent.
- 29:** Title (owner, president, etc.).
- 30:** Date of the signature.



District Encroachment Permit Offices

